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Attorneys for Defendant
TESLA INC.

[additional counsel listed in signature block]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ZACHERY WILLIAMS, MICHAEL MA, and
JOHN DITEMAN, on behalf of themselves and
all others similarly situated,

Plaintiffs,

v.

TESLA, INC. and DOES 1 through 10,
inclusive,

Defendants.

Case No. 4:20-cv-08208-HSG

**STIPULATION AND ORDER TO STAY
PLAINTIFF ZACHERY WILLIAMS' AND
JOHN DITEMAN'S CLAIMS**

1 IT IS HEREBY STIPULATED by and between Plaintiffs Zachery Williams, Michael Ma,
2 and John Diteman (“Plaintiffs”) and Defendant Tesla Inc. (“Tesla”) (collectively, the “Parties”), by
3 and through their respective counsel of record, that:

4 WHEREAS, on November 20, 2020, Plaintiffs filed their complaint (Dkt. 1);

5 WHEREAS, on November 25, 2020, Plaintiffs filed their Amended Complaint (Dkt. 7);

6 WHEREAS, on June 21, 2021, the Court granted Tesla’s motion to dismiss Ma’s claims with
7 leave to amend several of the claims within 28 days of the date of the order (Dkt. 44);

8 WHEREAS, on July 19, 2021, Plaintiffs filed their Second Amended Complaint (“SAC”),
9 adding Plaintiff John Diteman (Dkt. 49);

10 WHEREAS, on March 28, 2022, the Court granted Tesla’s motion to dismiss Ma’s claims
11 with leave to amend within 21 days of the date of the order (Dkt. 64);

12 WHEREAS, on April 18, 2022, Plaintiffs filed their Third Amended Complaint (“TAC”);

13 WHEREAS, as the parties have discussed on several occasions, Tesla intends on filing a
14 motion to dismiss Plaintiff Ma’s claims as alleged in the TAC on May 2, 2022 (“Forthcoming Ma
15 Motion to Dismiss”) and a motion to compel Plaintiffs Williams’ and Diteman’s claims to
16 arbitration;

17 WHEREAS, after meeting and conferring, the parties stipulate and agree that it would
18 conserve judicial and party resources and promote efficiency if the Court stays Plaintiffs Williams’
19 and Diteman’s claims until after it issues its order on the Forthcoming Ma Motion to Dismiss. The
20 parties agree that the Court’s ruling on the Forthcoming Ma Motion to Dismiss may impact whether
21 Tesla’s motion to compel Plaintiffs Williams’ and Diteman’s claims to arbitration needs to be
22 presented to the Court;

23 WHEREAS, the parties further stipulate and agree, that after disposition of Tesla’s
24 Forthcoming Ma Motion to Dismiss, the parties will meet and confer about whether Tesla’s motion
25 to compel Plaintiffs’ Williams’ and Diteman’s claims to arbitration needs to be presented to the
26 Court;

27 WHEREAS, if Tesla files its motion to compel arbitration and that motion is denied, Tesla
28 agrees it will not file a motion to dismiss Williams’ or Diteman’s claims. If Tesla believes there is a

1 basis to challenge Williams' or Diteman's pleadings that were not addressed by the Court's ruling on
2 the Forthcoming Ma Motion to Dismiss, Tesla will file a motion for judgment on the pleadings;

3 WHEREAS, as the Parties discussed with the Court at the August 10, 2021 further case
4 management conference, if Tesla believes it is necessary to file a motion for judgment on the
5 pleadings on Williams' or Diteman's claims, it will do so as expeditiously as possible after meeting
6 and conferring with Plaintiffs;

7 WHEREAS, nothing in this stipulation shall prevent the parties from pursuing their appellate
8 rights, if any, to challenge the Court's ruling on Tesla's motion to compel arbitration;

9 THEREFORE, the Parties respectfully request the Court to order that: Plaintiff Williams' and
10 Diteman's claims are stayed until after the Court issues its order on the Forthcoming Ma Motion to
11 Dismiss.

12 IT IS SO STIPULATED.

13
14 Dated: April 19, 2022

Respectfully submitted
McCUNE WRIGHT AREVALO, LLP

15 By: /s/ David C. Wright

16 Mark I. Richards
17 Steven A. Haskins
David C. Wright

18 Attorneys for Plaintiffs
19 ZACHERY WILLIAMS and MICHAEL MA

20 Dated: April 19, 2022

SHOOK HARDY & BACON L.L.P.

21 By: /s/ Amir Nassihi

22 Amir Nassihi
23 Michael L. Mallow
Rachel A. Straus
Nalani Crisologo

24 Attorneys for Defendant
TESLA, INC.

25 Pursuant to L.R. 5-1(i)(3), I attest that concurrence in the filing of this document has been
26 obtained from the other signatories.

27 By: /s/ Amir Nassihi

28 Amir Nassihi

ORDER

Having considered the parties' stipulation, and good cause showing, the Court hereby orders the following: Plaintiff Williams' and Diteman's claims are stayed until after the Court issues its order on Tesla's forthcoming Motion to Dismiss Plaintiff Ma's claims.

IT IS SO ORDERED.

Dated: 4/20/2022

